

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

November 2, 2015
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Ron Christianson, Steve Ahmann, Andrew Plowman, Rick Fagerlie, Denis Anderson, Tim Johnson and Audrey Nelsen. Present 8, Absent 0.

Also present were Interim City Administrator Kevin Halliday, Finance Director Steve Okins, Police Chief Jim Felt, Fire Chief Frank Hanson, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine and City Attorney Robert Scott.

There were no proposed additions or deletions to the agenda.

Council Member Christianson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of October 19 (5:00 p.m.), City Council Minutes of October 19 (7:00 p.m.), Rice Hospital Board Minutes of October 21, Municipal Utilities Commission Minutes of October 26, Accounts Payable Report through October 28, Planning Commission Minutes of October 28, Convention and Visitors Bureau Minutes of September 15, City/County HRA Board Minutes of September 16, and Airport Commission Minutes of October 21, 2015. Council Member Anderson seconded the motion, which carried.

Jason Butler of City Line Towing, 137 Benson Avenue SE, came forward to address the Council at the Open Forum. Mr. Bulter addressed his concerns about the City's towing contract which is currently being advertised for bids. He stated accidents have never been a part of the City tow before because there has not been much competition in towing for Willmar. He was asking for a fair share of the accident tows by evenly dividing them. He stated accidents are dispatched as city tows and some are subsequently determined to be private tows. He's asking for the private tows to be split equally. Chief Felt will be in contact with Mr. Butler.

Carol Laumer, 1313 Ella Avenue NW, came before the Council next to speak during the Open Forum. Ms. Laumer presented information of the upcoming Holiday Parade to be held November 21. She thanked the City and private donors for their donations. She gave examples of the family events taking place, including the animal exhibits, fire pits for s'mores, a bouncy house, vehicle tours of the SWAT vehicle, Ambulance and Fire Truck. There will be some businesses open including entertainment at the Barn Theatre.

Interim City Administrator Kevin Halliday presented the annual Currency Exchange License Renewal Applications from Quick Funds Inc. and Bennett Ventures, Inc. Both businesses make application to the Department of Commerce who informs the City of the opportunity to take action. Mr. Halliday made a recommendation for Council consideration unlike past action. In the last ten years the City has held public hearings of which no one has presented themselves to speak. These applications automatically approve at the State level sixty days after application unless the municipality interferes by resolution. Staff recommends not holding the hearings being there have been no public objections and allow them to be automatically approved until such time as concerns are expressed by citizens.

Council Member Christianson moved the recommendation of staff to not hold a public hearing and allow the applications to be approved automatically after the sixty-day period. Council Member Ahmann seconded the motion, which carried.

Community Education and Recreation Director Steve Brisendine was called on by Mayor Calvin to explain the recent playground equipment purchase staff and CER Board members have been working on

selecting for the last several months. He presented a proposal to purchase the playground equipment including installation for a total of \$142,462.71 that would purchase seven playground units for placement in six City parks spread throughout the community. GameTime Minnesota/Wisconsin Playground is the proposed vendor through a US Communities Purchasing Coop. Funding for the equipment is from Park Development Resources and leftover funds from current CIP purchases in 2015. Staff's recommendation is to move forward with the purchases pending the approval of the City Attorney.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS the City of Willmar desires to enter into a Construction Services Agreement with Minnesota/Wisconsin Playground to provide playground equipment and perform the installation of said equipment in assigned parks in the amount not to exceed \$142,462.71; and

WHEREAS an agreement has been prepared detailing the terms of the services;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said agreement is approved pending approval by the City Attorney and that the Mayor and City Administrator be authorized to execute the same.

Dated this 2nd day of November, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Interim City Administrator Kevin Halliday brought forth for consideration an application for a Premise Permit from the New London-Spicer Booster Club to have pull tabs and other legal items for gambling at Ruff's Wings and Sports Bar located on East Highway 12. The unit of government, if so desired, must authorize the Premise Permit application for this activity by resolution and submit it to the Gambling Control Board.

Council Member Christianson moved to approve the application for the Premise Permit. Council Member Johnson seconded the motion. Council Member Fagerlie expressed concern that a Willmar group should be given preference and if staff has the ability to check with the establishment to this affect. Interim City Administrator Kevin Halliday indicated staff can check on details and do an inventory of Willmar establishments and which groups are using them for gambling licenses. Council Member Ahmann made a motion to table the action. Council Member Plowman seconded the motion, which carried.

Interim City Administrator Kevin Halliday informed the Council that pursuant to the City conducting the 2015 Street and Other Improvements there is statute which allows local governments to defer assessments for those Senior Citizens and Disabled persons meeting certain income guidelines. Three homeowners have applied for and qualify for delayed payment of tax on special assessments until such time as the property changes ownership.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0, with Council Member Plowman abstaining.

RESOLUTION NO. 2

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2015 (Project 1501); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments certifying special assessments against municipal properties to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability; and

WHEREAS, certain property owner(s) have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes for said deferment.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred for the years of 2016 through 2025 with interest at the annual rate of four and zero hundredths (4.00%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship.

Shirley A. Sundlee 513 25 th Street SE Willmar	95-668-4370 Section 13, Township 119, Range 35, Lot 4, Block 1 PHEASANT RUN SEVENTH ADDITION	\$2,688.00
Norman G. & Florence G. Christensen 2004 21 st Street SW Willmar	95-601-0020 Section 21, Township 119, Range 35, Block 1 ORTENBLAD'S HOMESITES LOT 10, E1/2 OF LOT 9	\$7,943.76
Sharon K. Melin 409 Trott Ave SE Willmar	95-740-0160 Section 14, Township 119, Range 35, Block 2 SPICER'S ADDITION TO WILLMAR W50' OF LOTS 5, 6 & 7	\$1,600.00

Dated this 2nd day of November, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Consideration of certification of unpaid utility charges as a lien was brought before the Council by Interim City Administrator Kevin Halliday. Annually the City receives a letter from the Willmar Municipal Utilities Commissioners indicating that they have held a hearing on various homeowners who have failed to make payments for their utilities. A hearing was held by the Commission to allow those homeowners the opportunity to object to the liens, with no one in attendance. The Willmar Municipal Utilities Commission is requesting the Willmar City Clerk-Treasurer certify the unpaid utility charges as a lien on the real property. It was staff's recommendation to certify the homeowners list provided by WMU to the County Auditor for collection along with other taxes.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 44 on October 13, 2015, requesting the Willmar City Clerk-Treasurer to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$4,013.79 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2016 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid utility charges be certified against the real property as follows:

1. Parcel No. 95-750-0270
Located at 1308 6th Street SW \$1,827.21
Described as Section 22, Township 119, Range 35
SUB-DIV. N1/2 OF NE1/4 PART OF LOT 17 COM. AT NE
CIR TH S 55' TO BEG. TH S 9' W 201' N 64' E 51' S 55' E
150' TO BEG
2. Parcel No. 95-740-1380
Located at 523 4th Street SE \$711.56
Described as Section 14, Township 119, Range 35, Block 9
SPICER'S ADDITION TO WILLMAR
W 100' OF LOT 8 & W'LY 100' OF S'LY 20' OF LOT 9
3. Parcel No. 95-090-2150
Located at 1105 7th Street SW \$167.50
Described as Section 15, Township 119, Range 35, Lot 15
BOOTH'S ADDITION TO WILLMAR
BLOCK O
4. Parcel No. 95-480-0010
Located at 1200 5th Street SW \$144.72
Described as Section 22, Township 119, Range 35, Block 1
LEARY'S ADDITION TO WILLMAR
LOTS 1 & 2
5. Parcel No. 95-003-0610
Located at 1019 Gorton Avenue NW \$182.17
Described as Section 15, Township 119, Range 35, Block 5
WILLMAR, TOWN OF (ORIGINAL)
N'LY 55 FT. OF LOTS 10, 11 & 12

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|----|---|----------|
| 6. | Parcel No. 95-280-0250
Located at 920 4 th Street SW
Described as Section 15, Township 119, Range 35, Lot 5, Block 2
HANSON'S ADDITION TO WILLMAR | \$560.45 |
| 7. | Parcel No. 95-222-0950
Located at 613 Ann Street SE
Described as Section 14, Township 119, Range 35, Lot 5, Block 6
FERRINGS 2ND ADDITION | \$420.18 |

Dated this 2nd day of November, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Interim City Administrator Kevin Halliday presented an application for an On-Sale Intoxicating 3.2% Liquor License for the Team House Hibachi Grill and Buffet located at 1605 South First Street. The Willmar Police Department has completed the background, criminal history and driving record checks. Mr. Bao Qin Yang will be listed as the Resident Manager for this establishment. Staff was recommending the Council approve the application concluding in line with all the rest on April 25, 2016.

Council Member Christianson made a motion to approve the On-Sale Intoxicating 3.2% Liquor License for Team House Hibachi Grill and Buffet. Council Member Fagerlie seconded the motion which passed on a roll call vote of Ayes 7, Noes 0.

Interim City Administrator Kevin Halliday presented an application for an On-Sale Intoxicating 3.2% Liquor License for Panda Gardens located at 1305 South First Street. The Willmar Police Department has completed the background, criminal history and driving record checks. Ms. Yang Li will be listed as the Resident Manager for this establishment. Staff was recommending the Council approve the application concluding on April 25, 2016.

Council Member Anderson made a motion to approve the On-Sale Intoxicating 3.2% Liquor License for Panda Gardens. Council Member Ahmann seconded the motion which passed on a roll call vote of Ayes 7, Noes 0.

Planning and Development Director Bruce Peterson presented a request for a replat of an existing parcel and a portion of Outlot B (Eagles Landing Phase II) by Adam and Holly Gibson to be known as Gibby Addition. The purpose of the land acquisition and lot combination is to allow room for an attached garage addition to the premises and still meet the required setbacks. The Planning Commission and reviewed and approved the plat request. Staff's recommendation to the Council is to approve the preliminary plat.

Council Member Anderson made a motion to approve the preliminary plat of Gibby Addition. Council Member Ahmann seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, 4:45 p.m. at City Hall, November 10; Labor Relations, 4:45 p.m. at City Hall, November 5, Community Development, 4:45 p.m. at City Hall, November 12 and Board of Canvass, 12:45 p.m. at City Hall, November 12, 2015.

Council Member Johnson informed the Council it has come to his attention that Willmar has some residential facilities that house sex offenders that have been released from prison on parole or convicted and released under conditional provisions under the Minnesota Commitment Act. He felt the Council should take into consideration where these individuals can be located just as for other property under the Zoning Ordinance.

Council Member Johnson made a motion for City Attorney to review scope and legality of zoning provisions regulating the location within the city of residential living facilities for sex offenders released from prison on parole status and/ or for people released from civil commitment as a psychopathic personality or sexually dangerous person, and having that permit process for such a residential facility generate a notice that will be recorded in the real estate tract index in the Kandiyohi County Recorder's Office. Council Member Christianson seconded the motion, which carried.

Council Member Anderson offered a motion to adjourn the meeting with Council Member Johnson seconding the motion, with carried. The meeting adjourned at 7:42 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL